

Docket No: ILS
Appl. No: 10/010,967

REMARKS

The last Office Action of May 16, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-26 are pending in the application. Claims 1-8 have been withdrawn from further consideration and have now been canceled. Claim 9 has been amended. No claim has been added. An amendment to the specification has been made, as suggested by the Examiner. No fee is due.

Claims 9-15, 17-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over European Pat. Appl. No. 0 495 219 A2 (hereinafter "Europe '219") in view of Japanese Pat. No. 59182781(hereinafter "Japan '781"). It is noted for the record that the reference in the "remark" section of the Official Action to EP 495213 has been considered in error and applicant referred here to applicant EP 495219 as listed in applicant's submitted form PTO 1449 which has been initialed by the Examiner.

Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Europe '219 in view of Japan '781 and further in view of Webster's Ninth Collegiate Dictionary.

Applicant respectfully disagrees with the Examiner's rejection of independent claims 9 and 23 for the following reasons:

The present invention is essentially concerned with the configuration of a clamping unit for application in an injection molding machine in order to simplify

Docket No: ILS
Appl. No: 10/010,967

the production of plastic articles with embossed pattern. In accordance with the present invention, the clamping unit is configured as a common structure to accommodate an injection molding station as well as an embossing station. Hereby, the clamping unit includes mounting plates between which the elements of the injection molding station and the embossing station are secured. In other words, the clamping unit is constructed for injection molding an article and for embossing the injection-molded article with a foil material. Despite the integration of the injection molding station and the embossing station in a common clamping unit, the embossing operation can be carried out independently of a clamping action by the clamping unit. In other words, the clamping unit, while housing both injection molding and embossing stations is structured to decouple the operation of the embossing station from the clamping operation during injection molding.

Applicant has amended claim 1 by clearly setting forth the integration of the injection molding station as well as the embossing station in a common clamping unit. These changes to claim 1 are considered cosmetic in nature and do not narrow the claim elements to trigger prosecution history estoppel.

Europe '219 describes an apparatus for making laminated molded parts, wherein the apparatus includes an injection mold with lower half-mold (5) and upper half-mold (7) which can be moved up and down. The lower half-mold is mounted on a turntable (13) and is turned by 180° for transfer to a press tool for interaction with an upper press form (17). Unlike the present invention in which both the injection molding station and the embossing station are accommodated in the same clamping unit, the press tool in Europe '219 is an assembly separate

Docket No: ILS
Appl. No: 10/010,967

from the injection mold and has its own closing unit. In other words, Europe '219 fails to disclose the securement of the injection mold and the press tool between the mounting plates of a clamping unit.

JP '781 has been applied merely to show the presence of a foil strip. Without the benefit of a translation of the underlying document, applicant is not in a position to discuss this reference in detail, based on the abstract solely. As noted by the Board of Patent Appeals and Interferences in *Ex parte Jones*, 62 USPQ2d, 1206, "[C]itation of an abstract without citation and reliance on the underlying scientific document itself is generally inappropriate where both the abstract and the underlying document are prior art. Abstracts often are not written by the author of the underlying document and may be erroneous." Accordingly, the Examiner is requested to supply a translation of the underlying document.

For the reasons set forth above, it is applicant's contention that neither Europe '219 nor JP '781, nor a combination thereof teaches or suggests the features of the present invention, as recited in claims 1 and 23.

As for the rejection of the retained dependent claims, these claims depend on claims 1 and 23, respectively, share their presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

Docket No: ILS
Appl. No: 10/010,967

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: August 5, 2005
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212)244-5500
HMF:af